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[Community Tools](#)
[Take Action](#)
[Your Region](#)
[S](#)

Wild Rivers Toolkit

State-initiated designation using Section 2(a)(ii)

*This brochure was produced in cooperation with the **Rivers, Trails, and Conservation Assistance Program** of the National Park Service.*

[Click here](#) for the pdf version of this brochure.

[Click here](#) to read a pdf version of a comprehensive white paper written by Jack Hannon and Tom Cassidy which explains how Section 2(a)(ii) of the Wild & Scenic Rivers Act can be used by state governors to recommend federal designation of rivers to the department of the interior (avoiding congress altogether).

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How to get national Wild and Scenic River designation for your state-protected river

Enacted in 1968, the Wild and Scenic Rivers Act (P.L. 90-542, as amended) protects rivers that are "free-flowing" and outstanding qualities from federally licensed dams and also bars federal assistance to other harmful water resources. Since 1968, 158 of our greatest rivers have been protected through designation as wild and scenic rivers. Usually, this requires congressional action.

Another way to achieve wild and scenic designation is through section 2(a)(ii) of the Wild and Scenic Rivers Act. Section 2(a)(ii) of the Act lets you protect your river through your legislature, your governor, and the U.S. Secretary of the Interior. So far, rivers across the country have been protected this way.

Thirty-three states now have state river protection programs (as of mid-1999)

Some states have enacted broad river protection frameworks and designated many rivers, and some states have enacted legislation to protect a specific river. In most cases, a river management plan is then developed and implemented.

Does your state have a river protection program?

For information about your state river protection program, call American Rivers (1-877-4RIVERS); the Rivers, Trails, and Conservation Assistance Program within the National Park Service (202-565-1200); or your state's river protection agency. If your state doesn't have a river protection program, work with your local community and your state's natural resources agency. Contact American Rivers for help. If your state does have a program, make sure your local river is included.

How does Section 2(a)(ii) work?

1. YOUR STATE:

Your state legislature adopts a river protection program

2. LOCAL INITIATIVES:

Your river receives designation under the state rivers program (or is protected by a ballot initiative or river-specific legislation)

3. YOUR GOVERNOR:

Your governor requests the U.S. Secretary of the Interior to grant federal protection to the river

4. DEPARTMENT OF THE INTERIOR:

The National Park Service conducts an evaluation, seeks public comments, and makes a recommendation to the Secretary of the Interior, who then signs a designation order

Note: Even if your state does not have a comprehensive state river protection program, and you don't think your state has one, you can still seek state legislation to protect your specific river.

Why add the river to the National System if it's already protected by the state?

Securing national wild and scenic river protection for your state-protected river will:

- Block new federally licensed dams
- Protect against other harmful federal water resources projects
- Protect water quality
- Promote river-friendly land use (this must be set by state and local governments prior to federal designation)
- Potentially increase property values and enhance civic awareness/pride
- Provide local interests with a federal river protection advocate

Take the first step!

Encourage your governor to take action for the special rivers in your state.

18 rivers have gained national wild and scenic river designation through Section 2(a)(ii):

American River, Lower (California, 1981)
 Allagash Wilderness Waterway (Maine, 1970)
 Big and Little Darby Creeks (Ohio, 1994)
 Cossatot River (Arkansas, 1994)
 Eel River (California, 1981)
 Klamath River (California, 1981)
 Klamath River (Oregon, 1994)
 Little Miami River (Ohio, 1973, 1980)
 Little Beaver River (Ohio, 1975)
 Loxahatchee River (Florida, 1985)
 Lumber River (North Carolina, 1998)
 Middle Fork Vermilion River (Illinois, 1989)
 New River (North Carolina, 1976)
 Smith River (California, 1981)
 St. Croix River, Lower (Minnesota, Wisconsin, 1976)
 Trinity River (California, 1981)
 Wallowa River (Oregon, 1996)
 Westfield River (Massachusetts, 1993)
 Case Studies
 Klamath River, Oregon
 Westfield River, Massachusetts
 Big and Little Darby Creeks, Ohio

Case studies**KLAMATH RIVER, OREGON**

The Klamath River of Oregon is a magnificent whitewater river, home to a unique population of rainbow trout and other fish and numerous Native American and historic sites.

In 1988, Oregon citizens passed a ballot initiative that designated the Klamath one of 19 state scenic rivers, but a battle to stop the federally licensed Salt Caves Hydroelectric Project continued. In 1990, American Rivers named the Klamath the nation's Most Endangered River, and through the hard work of local groups, the State of Oregon eventually refused to permit for the dam.

To seal the deal, then-Governor Barbara Roberts requested national designation through section 2(a)(ii). In 1994, a stretch of the Klamath became the nation's 157th wild and scenic river. Because it is largely on federal land, the Bureau of Land Management manages the river through an agreement with Oregon State Parks.

WESTFIELD RIVER, MASSACHUSETTS

The Westfield River of Massachusetts cascades through scenic mountains, flows through historic mill towns, supports fisheries, and provides an outstanding whitewater run.

During the 1980s, communities became concerned that development would ruin their hometown river. With the help of federal grants, the Pioneer Valley Planning Commission and the Westfield River Watershed Association took the lead in identifying the river's values and creating a management plan.

The plan called for a water quality protection program, riverbank beautification projects, a salmon restoration program, land acquisitions by the state, and most importantly, local river protection bylaws. An agreement signed in 1990 committed the state, and federal partners to jointly manage the river, with oversight from an advisory committee. A 43.3 miles segment was designated as a "local scenic river" under the state act in 1990.

Through section 2(a)(ii), this stretch became a national wild and scenic river in 1993, and the National Park Service hired a full-time coordinator who provides technical assistance and educational outreach. The success of this designation has encouraged other communities to seek designation for additional sections of the Westfield River.

BIG AND LITTLE DARBY CREEKS, OHIO

Big and Little Darby Creeks flow through the pastoral, wooded scenery of central Ohio, and provide habitat for a remarkable number of more than 80 species of fish and 40 species of mollusks.

Starting in the 1960s, citizens became increasingly concerned over threats to the river from suburban growth, non-point source pollution, and the city of Columbus's plans for a dam and water supply reservoir. Ohio passed its state scenic rivers act in 1984, and through persistent advocacy Big and Little Darby Creeks were finally added in 1984.

Five years later, in response to both the growing movement to protect the creeks and the policies of the Clean Water Act, Governor Richard Celeste petitioned for a national designation. In 1994, after the Ohio Department of Natural Resources and the National Park Service developed a management plan ratified by the local communities, an 85.9-mile stretch became part of the National Wild and Scenic River System.

The current pristine character of Big and Little Darby Creeks is largely due to the zoning ordinances adopted through the 1960s. Recently, communities in the watershed are considering proposals to create a 20,000-acre National Wildlife Refuge and preserve riparian areas to ensure long-term protection for this globally significant region.

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